

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (NO. VI)**

MDL DOCKET NO. 875

This Document Relates to:

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THRUMAN BEENE, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 1:03-CV-843WJG

OWENS ILLINOIS, INC, ET AL.

DEFENDANTS

Severed Cases:

THRUMAN BEENE
JANIS DURHAM
PATSY C. DIXON
ANNE BOURNONVILLE
BOBBY G. SCHRADER
JAMES CHERRY
CHARLOTTE CONNOLY
LISA TREMBLAY
HAZEL FORD
JAMES B. MEYER
JOHN OKULSKI
STEPHEN COOKE
THOMAS TOWNSEND
CLINTON MCCLOUD
MARJORIE DECKER
RUBEN ALVARADO
MICHAEL ANDA
WALTER BALENGER
BRYAN C. BARBER
DELORES BAUM
JOHN BERENS
MARY BUBBETT
MATTHEW CARONE
TED E. CHASE
JERRY E. CLARK
MARGARET MACHINGO

PA E.D. CAUSE NO. 2:08-cv-86016
PA E.D. CAUSE NO. 2:08-cv-86017
PA E.D. CAUSE NO. 2:08-cv-86018
PA E.D. CAUSE NO. 2:08-cv-86019
PA E.D. CAUSE NO. 2:08-cv-86020
PA E.D. CAUSE NO. 2:08-cv-86021
PA E.D. CAUSE NO. 2:08-cv-86022
PA E.D. CAUSE NO. 2:08-cv-86023
PA E.D. CAUSE NO. 2:08-cv-86024
PA E.D. CAUSE NO. 2:08-cv-86025
PA E.D. CAUSE NO. 2:08-cv-86026
PA E.D. CAUSE NO. 2:08-cv-86027
PA E.D. CAUSE NO. 2:08-cv-86028
PA E.D. CAUSE NO. 2:08-cv-86029
PA E.D. CAUSE NO. 2:08-cv-86030
PA E.D. CAUSE NO. 2:08-cv-86031
PA E.D. CAUSE NO. 2:08-cv-86032
PA E.D. CAUSE NO. 2:08-cv-86033
PA E.D. CAUSE NO. 2:08-cv-86034
PA E.D. CAUSE NO. 2:08-cv-86035
PA E.D. CAUSE NO. 2:08-cv-86036
PA E.D. CAUSE NO. 2:08-cv-86037
PA E.D. CAUSE NO. 2:08-cv-86038
PA E.D. CAUSE NO. 2:08-cv-86039
PA E.D. CAUSE NO. 2:08-cv-86040
PA E.D. CAUSE NO. 2:08-cv-86041

SHEP C. HELTON	PA E.D. CAUSE NO. 2:08-cv-86042
KAY EITNEIER	PA E.D. CAUSE NO. 2:08-cv-86043
ROBERT G. FITZGERALD	PA E.D. CAUSE NO. 2:08-cv-86044
OLIVER FROST	PA E.D. CAUSE NO. 2:08-cv-86045
THOMAS W. GALLIMORE	PA E.D. CAUSE NO. 2:08-cv-86046
MARY HAMILTON	PA E.D. CAUSE NO. 2:08-cv-86047
RUTH HAMMOND	PA E.D. CAUSE NO. 2:08-cv-86048
ROBERTY HARVEY	PA E.D. CAUSE NO. 2:08-cv-86049
BARRY HIMES	PA E.D. CAUSE NO. 2:08-cv-86050
DEBBIE POWELL	PA E.D. CAUSE NO. 2:08-cv-86051
HOWARD JENKINS	PA E.D. CAUSE NO. 2:08-cv-86052
FRANK KELLER	PA E.D. CAUSE NO. 2:08-cv-86053
RICHARD LANGFORD	PA E.D. CAUSE NO. 2:08-cv-86054
EVERETTE C. LEPPERT	PA E.D. CAUSE NO. 2:08-cv-86055
DUDLEY H. LEAVITT, SR.	PA E.D. CAUSE NO. 2:08-cv-86056
KAREN KERSTETTER	PA E.D. CAUSE NO. 2:08-cv-86057
JAMES LITTLE	PA E.D. CAUSE NO. 2:08-cv-86058
RONALD LIVINGSTON	PA E.D. CAUSE NO. 2:08-cv-86059
CARMAN MARASCO, JR.	PA E.D. CAUSE NO. 2:08-cv-86060
CATHERINE M. MCCAUGHAN	PA E.D. CAUSE NO. 2:08-cv-86061
ALBERT MIRTICH	PA E.D. CAUSE NO. 2:08-cv-86062
RICHARD MOORE	PA E.D. CAUSE NO. 2:08-cv-86063
JUSTIN NEWMAN	PA E.D. CAUSE NO. 2:08-cv-86064
DONNA J. LOTOSKI	PA E.D. CAUSE NO. 2:08-cv-86065
CORNELIA ORGAN	PA E.D. CAUSE NO. 2:08-cv-86066
CLAIRE PEDEN	PA E.D. CAUSE NO. 2:08-cv-86067
RAYMOND PEDICONE	PA E.D. CAUSE NO. 2:08-cv-86068
DANIEL PLOWE	PA E.D. CAUSE NO. 2:08-cv-86069
KENNETH R. REED	PA E.D. CAUSE NO. 2:08-cv-86070
JOSEPH SACAWA	PA E.D. CAUSE NO. 2:08-cv-86071
CHARLES SCHMIDT	PA E.D. CAUSE NO. 2:08-cv-86072
EDMUND SCHOENECKER	PA E.D. CAUSE NO. 2:08-cv-86073
STELLA SHAPACH	PA E.D. CAUSE NO. 2:08-cv-86074
PAUL A. SLOAN, SR.	PA E.D. CAUSE NO. 2:08-cv-86075
DOROTHY SPENCER	PA E.D. CAUSE NO. 2:08-cv-86076
SHIRLEY STAUDINGER	PA E.D. CAUSE NO. 2:08-cv-86077
DAVID RANDALL	PA E.D. CAUSE NO. 2:08-cv-86078
DEBBIE TURNER	PA E.D. CAUSE NO. 2:08-cv-86079
GILLES VISSER	PA E.D. CAUSE NO. 2:08-cv-86080
ESTER WHEELS	PA E.D. CAUSE NO. 2:08-cv-86081
GEORGE WESSEL	PA E.D. CAUSE NO. 2:08-cv-86082
MICHAEL WHITCOMB	PA E.D. CAUSE NO. 2:08-cv-86083
KENNETH WINTER	PA E.D. CAUSE NO. 2:08-cv-86084
JAMES WRENN	PA E.D. CAUSE NO. 2:08-cv-86085

DENNIS ATKINS	PA E.D. CAUSE NO. 2:08-cv-86086
BEVERLY BUTAIN	PA E.D. CAUSE NO. 2:08-cv-86087
BRIAN CARTWRIGHT	PA E.D. CAUSE NO. 2:08-cv-86088
MICHAEL BARDANO	PA E.D. CAUSE NO. 2:08-cv-86089
MARY H. ENO	PA E.D. CAUSE NO. 2:08-cv-86090
MILES N. FOOR	PA E.D. CAUSE NO. 2:08-cv-86091
GEORGE HOYE	PA E.D. CAUSE NO. 2:08-cv-86092
ROSE KELLEY	PA E.D. CAUSE NO. 2:08-cv-86093
CAROLYN LAPONSEY	PA E.D. CAUSE NO. 2:08-cv-86094
TODD LOEHR	PA E.D. CAUSE NO. 2:08-cv-86095
ALFRED PACE	PA E.D. CAUSE NO. 2:08-cv-86096
RAYMOND W. PENROD, II	PA E.D. CAUSE NO. 2:08-cv-86097
KIM HUCKLEBERRY	PA E.D. CAUSE NO. 2:08-cv-86098
JANTINA VANRIET	PA E.D. CAUSE NO. 2:08-cv-86099
EARL WALTER, JR.	PA E.D. CAUSE NO. 2:08-cv-86100
HORACE WHITWORTH	PA E.D. CAUSE NO. 2:08-cv-86101
HERMAN WIGGERS	PA E.D. CAUSE NO. 2:08-cv-86102
BOBBY JONES	PA E.D. CAUSE NO. 2:08-cv-86103
BARTLEY GERRISH	PA E.D. CAUSE NO. 2:08-cv-86104
EVA M. WEAR	PA E.D. CAUSE NO. 2:08-cv-86105
ANXANIA CRAUWELS	PA E.D. CAUSE NO. 2:08-cv-86106
SHELDON SWIFT	PA E.D. CAUSE NO. 2:08-cv-86107
CLYDE THOMAS	PA E.D. CAUSE NO. 2:08-cv-86108
AGNES E. WEHROUCH	PA E.D. CAUSE NO. 2:08-cv-86109
JAMES TRIPP	PA E.D. CAUSE NO. 2:08-cv-86110
PATRICIA ROBINSON	PA E.D. CAUSE NO. 2:08-cv-86111
LYNN ALLGAIER	PA E.D. CAUSE NO. 2:08-cv-86112
MARY JANE MARRONE	PA E.D. CAUSE NO. 2:08-cv-86113
BENJAMIN ENGLE	PA E.D. CAUSE NO. 2:08-cv-86114
PETER MARCINIAK	PA E.D. CAUSE NO. 2:08-cv-86115
ROSEMARY VANEPPEREN	PA E.D. CAUSE NO. 2:08-cv-86116
ROBERT KRUEGER	PA E.D. CAUSE NO. 2:08-cv-86117
MICHAEL DEWS	PA E.D. CAUSE NO. 2:08-cv-86118
RAYMOND E. KUTCHER	PA E.D. CAUSE NO. 2:08-cv-86119
VERA A. OCCHIBONE	PA E.D. CAUSE NO. 2:08-cv-86120
JALAL SEGMENT	PA E.D. CAUSE NO. 2:08-cv-86121
ROBIN WHITE	PA E.D. CAUSE NO. 2:08-cv-86122
MAYLEN MORTENSON	PA E.D. CAUSE NO. 2:08-cv-86123
BEVERLY ADAMS	PA E.D. CAUSE NO. 2:08-cv-86124
ROSALIE LICHTENSTEIN	PA E.D. CAUSE NO. 2:08-cv-86125
SANDRA C. CLAY	PA E.D. CAUSE NO. 2:08-cv-86126
ROSE TORIAN	PA E.D. CAUSE NO. 2:08-cv-86127
MARIE MCKINNON	PA E.D. CAUSE NO. 2:08-cv-86128
RUTH KEYS	PA E.D. CAUSE NO. 2:08-cv-86129

MARIE-LOUISE ROY
MARCELLA STEVENSON
ALICE BELL

PA E.D. CAUSE NO. 2:08-cv-86130
PA E.D. CAUSE NO. 2:08-cv-86131
PA E.D. CAUSE NO. 2:08-cv-86132

**JOHN CRANE, INC'S MOTION FOR SHOW CAUSE ORDER FOR FAILURE TO
COMPLY WITH ADMINISTRATIVE ORDER NO. 12 AND
FEDERAL RULE OF CIVIL PROCEDURE 41(b)**

Comes now John Crane, Inc. (hereinafter "Moving Defendant") and pursuant to this Court's Order of December 18, 2008, files this it's Motion for Entry of Show Cause Order for Failure to Comply with Administrative Order No. 12 and would respectfully show unto the Court as follows:

1. Each of the above listed Plaintiffs have claims against various defendants including Moving Defendant in MDL 875. To date, Moving Defendant has no received the disclosures required by Administrative Order No. 12 from any of these Plaintiffs. To Moving Defendant's knowledge, information and belief, the above listed Plaintiffs have failed to comply with Administrative Order No. 12 in any manner.
2. Moving Defendant seeks dismissal of all claims filed by the above referenced Plaintiffs against Moving Defendant including, without limitation, strict liability, negligence, breach of warranty, and conspiracy claims.
3. Pursuant to the attached Certificate of Service, Counsel for Moving Defendant has served upon Counsel for the above listed Plaintiffs a copy of this Motion for Entry of Show Cause Order.

WHEREFORE, John Crane, Inc. respectfully request that the Court enter a Show Cause Order why these Plaintiffs' claims should not be dismissed and in the event that any or all of the

above listed Plaintiffs fail to comply with such Show Cause Order, further request that the Court enter an Order dismissing these actions pursuant to *FED. R. Civ. P. 41*.

Respectfully submitted,
JOHN CRANE, INC.

BY: s/Carey R. Varnado
CAREY R. VARNADO (MSB 6593)
MICHAEL C. MOORE (MSB 99989)
MONTAGUE, PITTMAN & VARNADO
P.O. Drawer 1975
Hattiesburg, MS 39403-1975
(601) 544-1234; FAX: (601) 544-1280

CERTIFICATE OF SERVICE

I, **CAREY R. VARNADO**, of the law firm of **MONTAGUE, PITTMAN & VARNADO, P.A.**, do hereby certify that I have this date electronically filed **JOHN CRANE, INC'S MOTION FOR SHOW CAUSE ORDER FOR FAILURE TO COMPLY WITH ADMINISTRATIVE ORDER NO. 12** with the Clerk of the Court using the ECF system which sent notification of such to all counsel of record and I hereby certify that I have mailed by United States Postal Service the document to all non-ECF participants.

THIS, the 30th day of January, 2009.

S/Carey R. Varnado
CAREY R. VARNADO (MSB 6593)
MONTAGUE, PITTMAN & VARNADO P.A
P.O. Drawer 1975
Hattiesburg, MS 39403-1975
(601) 544-1234; FAX: (601) 544-1280